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E-FILED 09/14/11

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8 Attorneys for Plaintiff
9 Conan Properties International, LLC

10
11 UNITED STATES DISTRICT COURT
12 CENTRAL DISTRICT

13 Conan Properties International, LLC, a
14 Delaware Limited Liability Company,
15 Plaintiff,

Case No. CV11-01586 PSG(JEMx)

16 **CONSENT JUDGMENT AND
17 ORDER**

18 vs.

19 Tim Underwood, individually and dba
20 Underwood Books; Spectrum Fantastic
21 Art LLC, a Kansas Limited Liability
22 Company; Arnie Fenner, an individual;
23 Cathy Fenner, an individual; Manuel
24 Perez Clemente (a/k/a Sanjulian), an
25 individual; and Manuel Auad,
26 individually and dba Auad Publishing.,

27 Defendants.

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29 Plaintiff, Conan Properties International, LLC ("CPI"), and Defendants, **Tim**
30 **Underwood, individually and dba Underwood Books, Spectrum Fantastic Art LLC,**
31 **Arnie Fenner, Cathy Fenner and Manuel Perez Clemente ("Clemente")**
32 (collectively "Defendants"), have stipulated that CPI shall have judgment on the
33 Complaint as set forth herein. Judgment in this action shall enter as follows:

34 1. CPI owns all rights, title and interest in the following stories protected by
35 United States copyright registrations: "Black Colossus" (reg. no. B 211 038;

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1 renewal no. R 269 994), "Phoenix on the Sword" (reg. no. B 175 731; renewal no.
 2 R 250 145), "Rogues in the House" (reg. no. B 246 430; renewal no. R 270 001),
 3 "Scarlet Citadel" (reg. no. B 175 732; renewal no. R 250 146), "Tower of the
 4 Elephant" (reg. no. B 211 035; renewal no. R 269 991), and "Vale of Lost Women"
 5 (reg. no. B 345 804; renewal no. RE 673 166), (the "Copyrighted Stories").

6 2. CPI owns all intellectual property rights, title and interest in those paintings
 7 by Clemente commissioned by Charter Communications, Inc. for use as cover art
 8 on certain "Conan" books licensed to Charter by CPI and published under Charter's
 9 "Ace" imprint (the "Ace Covers"), as follows:

10 a. The Ace Covers published in the book which is the subject of this
 11 action, *Sword's Edge: Paintings Inspired by the Works of Robert E. Howard*
 12 (*"Sword's Edge"*);

13 b. The paintings which are used as Ace Covers on the following books:

- 14 1. Blade of Conan, The (1979)
- 15 2. Conan and the Sorcerer (1978)
- 16 3. Conan: the Flame Knife (1980)
- 17 4. Conan: Treasure of the Trancos (1980)
- 18 5. Gods of Bal-Sagoth, The (1979)
- 19 6. Howard Collector, The (1979)
- 20 7. Spell of Conan, The (1980)
- 21 8. Three-Bladed Doom (1979)
- 22 9. Tigers of the Sea (1979)
- 23 10. Worms of the Earth (1979);

24 3. CPI owns trademark registrations worldwide for the trademarks CONAN and
 25 CONAN THE BARBARIAN, including, *inter alia*, the following United States
 26 trademark registration numbers for the trademark CONAN: 78325581, 78806704,
 27 75436514, and 74369670 in Class 9; 1374714, 3607668, and 2522082 in Class 16;
 28 73112519 and 78806775 in Class 25; 78806795 and 73282331 in Class 28;
 78806841 in Class 41; and United States trademark registration number 2522083 in
 Class 16 for the mark CONAN THE BARBARIAN (collectively, the "Conan
 Marks"). CPI also owns nearly one hundred (100) international registrations for
 CONAN, CONAN THE BARBARIAN, and other CONAN-formative trademarks.

1 4. CPI owns all right, title and interest in the fictional character "Conan," a/k/a
2 "Conan the Barbarian," created by the author Robert E. Howard in the 1920s (the
3 "Conan Character").

4 5. Defendants are enjoined from creating, publishing, selling in and/or
5 importing into the United States any books (including, but not limited to, reprinting
6 of *Sword's Edge*), containing the Copyrighted Stories, or any other stories
7 containing the Conan Character owned by CPI, the Ace Covers, the Conan Marks
8 and the Conan Character, except by license.

9 6. Defendants, and each of them, are permanently enjoined from reproducing,
10 distributing or otherwise infringing the Copyrighted Stories, or any other stories
11 containing the Conan Character owned by CPI, the Ace Covers, the Conan Marks
12 and/or the Conan Character by, including without limitation, reproducing,
13 distributing or otherwise using the Copyrighted Stories, the Ace Covers, the Conan
14 Marks, and any depiction of the Conan Character in the United States, except by
15 license.

16 7. Defendants are permanently enjoined from directly or indirectly using
17 the name "Conan," the Conan Marks, and/or the Conan Character or any other
18 mark, word or name similar thereto which is likely to cause confusion, mistake or
19 to deceive, as to rights held by CPI, except by license.

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1 Therefore, pursuant to the foregoing stipulations;

2 IT IS ORDERED that judgment enter for CPI on the Complaint as set forth
3 herein. The Parties shall each bear its own costs in this matter.

4 Dated: 09-13-11

5 ~~July 1, 2011~~

6
7 By:

8 The Hon. Philip S. Gutierrez
9 United States District Judge

PROOF OF SERVICE

Section 1013A (3)

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 10250 Constellation Boulevard, Suite 2320, Los Angeles, California 90067.

On September 8, 2011, I served the foregoing document described as **CONSENT JUDGMENT AND ORDER** on interested parties as follows:

See service list attached hereto

X **By United States mail.** I enclosed the document(s) in a sealed envelope or package addressed to the person(s) above.

— By depositing the sealed envelope with the United States Postal Service, with the postage fully prepaid.

— I placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

— I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Los Angeles, California.

— **By messenger service.** I served the documents by placing them in an envelope or package addressed to the person(s) listed above and provided them to a professional messenger service for service.

— **By fax transmission.** Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the person at the fax numbers listed above. No error was reported by the fax machine that I used.

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SERVICE LIST

<p>Steven M. Morger, Esq. Wendel Rosen Black & Dean LLP 1111 Broadway, 24th Floor Oakland, CA 94607-4036</p> <p>Attorneys for defendants Manuel Auad and Manuel Perez Clemente aka Sanjulian</p>	<p>Michael J. Hughes, Esq. Intellectual Property Law Office 95 South Market Street, Suite 570 San Jose, CA. 95113</p> <p>Attorneys for defendants Tim Underwood, individually and dba Underwood Books, Spectrum Fantastic Art LLC, Arnie Fenner and Cathy Fenner</p>
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